

# IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

	Objection Deadline: February 17, 2005 at 4:00 p.m. Hearing Date: TBD only if necessary
Debtors.	) (Jointly Administered)
W. R. GRACE & CO., et al.,1	) Case No. 01-1139 (JKF)
In re:	) Chapter 11

SUMMARY OF THE THIRTY-NINTH MONTHLY APPLICATION OF CASNER & EDWARDS, LLP FOR COMPENSATION FOR SERVICES AND REIMBURSEMENT OF EXPENSES AS SPECIAL LITIGATION COUNSEL TO DEBTORS FOR THE PERIOD FROM DECEMBER 1, 2004 THROUGH DECEMBER 31, 2004

Name of Applicant:

Casner & Edwards, LLP

Authorized to Provide Professional Services to:

W. R. Grace & Co., et al., Debtors and

Debtors-in-Possession

Date of Retention:

September 18, 2001,

effective as of September 18, 2001

Period for which compensation and reimbursement is sought:

December 1, 2004 through

December 31, 2004

<sup>1</sup> The Debtors consist of the following 62 entities: W. R. Grace & Co. (f/k/a Grace Specialty Chemicals, Inc.), W. R. Grace & Co.-Conn., A-1 Bit & Tool Co., Inc., Alewife Boston Ltd., Alewife Land Corporation, Amicon, Inc., CB Biomedical, Inc. (f/k/a Circe Biomedical, Inc.), CCHP, Inc., Coalgrace, Inc., Coalgrace II, Inc., Creative Food >N Fun Company, Darex Puerto Rico, Inc., Del Taco Restaurants, Inc., Dewy and Almy, LLC (f/k/a Dewey and Almy Company), Ecarg, Inc., Five Alewife Boston Ltd., G C Limited Partners I, Inc. (f/k/a Grace Cocoa Limited Partners I, Inc.), G C Management, Inc. (f/k/a Grace Cocoa Management, Inc.), GEC Management Corporation, GN Holdings, Inc., GPC Thomasville Corp., Gloucester New Company, Inc., Grace A-B Inc., Grace A-B II Inc., Grace Chemical Company of Cuba, Grace Culinary Systems, Inc., Grace Drilling Company, Grace Energy Corporation, Grace Environmental, Inc., Grace Europe, Inc., Grace H-G Inc., Grace H-G II Inc., Grace Hotel Services Corporation, Grace International Holdings, Inc. (f/k/a Dearborn International Holdings, Inc.), Grace Offshore Company, Grace PAR Corporation, Grace Petroleum Libya Incorporated, Grace Tarpon Investors, Inc., Grace Ventures Corp., Grace Washington, Inc., W. R. Grace Capital Corporation, W. R. Grace Land Corporation, Gracoal, Inc., Gracoal II, Inc., Guanica-Caribe Land Development Corporation, Hanover Square Corporation, Homco International, Inc., Kootenai Development Company, L B Realty, Inc., Litigation Management, Inc. (f/k/a GHSC Holding, Inc., Grace JVH, Inc., Asbestos Management, Inc.), Monolith Enterprises, Incorporated, Monroe Street, Inc., MRA Holdings Corp. (f/k/a Nestor-BNA Holdings Corporation), MRA Intermedoc, Inc. (f/k/a Nestor-BNA, Inc.), MRA Staffing Systems, Inc. (f/k/a British Nursing Association, Inc.), Remedium Group, Inc. (f/k/a Environmental Liability Management, Inc., E&C Liquidating Corp., Emerson & Cuming, Inc.), Southern Oil, Resin & Fiberglass, Inc., Water Street Corporation, Axial Basin Ranch Company, CC Partners (f/k/a Cro

Amount of Compensation sought as actual, reasonable, and necessary:

\$29,299.00 (80% = \$23,439.20)

Amount of Expense Reimbursement sought as actual, reasonable, and necessary:

\$17,177.91

This is an:

X monthly

\_\_ interim

\_\_ final application

Prior Applications filed: Yes.

Date Filed	Period Covered	Requested Fees	Requested Expenses	Status of Fees	Status of Expenses
12/4/01	9/18/01 through 10/31/01	\$25,904.00	\$3,139.72	No objections served on counsel	No objections served on counsel
1/09/02	11/01/01 through 11/30/01	\$117,210.00	\$6,571.15	No objections served on counsel	No objections served on counsel
1/28/02	12/01/01 through 12/31/01	\$146,802.00	\$4,083.28	No objections served on counsel	No objections served on counsel
3/15/02	01/01/02 through 01/31/02	\$201,024.50	\$908.76	No objections served on counsel	No objections served on counsel
4/11/02	02/01/02 through 02/28/02	\$186,585.00	\$2,638.22	No objections served on counsel	No objections served on counsel
5/9/02	03/01/02 through 03/31/02	\$194,087.00	\$92,484.17	No objections served on counsel	No objections served on counsel
6/4/02	04/01/02 through 04/30/02	\$222,932.00	\$29,238.08	No objections served on counsel	No objections served on counsel
7/12/02	05/01/02 through 05/31/02	\$246,778.00	\$14,876.86	No objections served on counsel	No objections served on counsel
8/6/02	06/01/02 through 06/30/02	\$144,857.00	\$15,005.61	No objections served on counsel	No objections served on counsel
9/17/02	07/01/02 through 07/31/02	\$70,348.00	\$17,801.90	No objections served on counsel	No objections served on counsel

10/18/02	08/01/02 through 08/31/02	\$58,072.00	\$14,910.59	No objections served on counsel	No objections served on counsel
11/14/02	09/01/02 through 09/30/02	\$40,335.00	\$4,535.47	No objections served on counsel	No objections served on counsel
12/16/02	10/01/02 through 10/31/02	\$36,393.00	\$17,499.87	No objections served on counsel	No objections served on counsel
1/13/03	11/01/02 through 11/30/02	\$43,910.00	\$2,331.21	No objections served on counsel	No objections served on counsel
2/11/03	12/01/02 through 12/31/02	\$39,703.00	\$26,001.22	No objections served on counsel	No objections served on counsel
3/31/03	01/01/03 through 01/31/03	\$36,572.00	\$13,818.89	No objections served on counsel	No objections served on counsel
5/13/03	02/01/03 through 02/28/03	\$37,363.00	\$1,050.11	No objections served on counsel	No objections served on counsel
5/13/03	03/01/03 through 03/31/03	\$35,519.00	\$16,988.05	No objections served on counsel	No objections served on counsel
7/11/03	04/01/03 through 04/30/03	\$30,037.50	\$14,427.54	No objections served on counsel	No objections served on counsel
8/1/03	05/01/03 through 05/31/03	\$11,420.00	\$12,560.93	No objections served on counsel	No objections served on counsel
8/13/03	06/01/03 through 06/30/03	\$9,586.00	\$13,073.04	No objections served on counsel	No objections served on counsel
9/29/03	07/01/03 through 07/31/03	\$8,858.00	\$12,888.56	No objections served on counsel	No objections served on counsel
11/6/03	08/01/03 through 08/31/03	\$10,256.50	\$13,076.13	No objections served on counsel	No objections served on counsel
11/13/03	09/01/03 through 09/30/03	\$14,009.00	\$13,261.68	No objections served on counsel	No objections served on counsel

12/12/03	10/01/03 through 10/31/03	\$19,884.00	\$13,458.15	No objections served on counsel	No objections served on counsel
1/23/04	11/01/03 through 11/30/03	\$12,019.00	\$13,196.18	No objections served on counsel	No objections served on counsel
2/11/04	12/01/03 through 12/31/03	\$5,318.00	\$500.03	No objections served on counsel	No objections served on counsel
3/16/04	01/01/04 through 01/31/04	\$14,274.50	\$25,666.53	No objections served on counsel	No objections served on counsel
4/13/04	02/01/04 through 02/29/04	\$9,658.50	\$13,088.71	No objections served on counsel	No objections served on counsel
5/12/04	03/01/04 through 03/31/04	\$16,421.00	\$13,349.16	No objections served on counsel	No objections served on counsel
6/14/04	04/01/04 through 04/30/04	\$15,745.00	\$12,624.56	No objections served on counsel	No objections served on counsel
7/13/04	05/01/04 through 05/31/04	\$6,487.00	\$26,540.10	No objections served on counsel	No objections served on counsel
8/17/04	06/01/04 through 06/30/04	\$11,018.50	\$9,909.39	No objections served on counsel	No objections served on counsel
9/13/04	07/01/04 through 07/31/04	\$13,651.00	\$12,386.12	No objections served on counsel	No objections served on counsel
10/15/04	08/01/04 through 08/31/04	\$38,791.00	\$14,000.00	No objections served on counsel	No objections served on counsel
11/15/04	09/01/04 through 09/30/04	\$14,142.00	\$15,951.89	No objections served on counsel	No objections served on counsel
12/15/04	10/01/04 through 10/31/04	\$4,177.00	\$25,118.55	No objections served on counsel	No objections served on counsel
1/6/05	11/01/04 through 11/30/04	\$31,459.00	\$2,839.36	Pending	Pending

1/28/05	12/01/04 through 12/31/04	\$29,299.00	\$17,177.91	Pending	Pending	
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As indicated above, this is the thirty-ninth application for monthly interim compensation of services filed with the Bankruptcy Court in the Chapter 11 Cases.<sup>2</sup>

The total time expended for the preparation of this application is approximately 2.0 hours, and the corresponding estimated compensation that will be requested in a future application is approximately \$460.00.

The Casner attorneys and paraprofessionals who rendered professional services in these cases during the Fee Period are:

Fee Summary (see Exhibit A to the Fee Detail)

Name of Professional Person	the applicant	of years as an	Department	Hourly billing rate	Total billed hours	Total compensation
Robert A. Murphy	Senior Counsel	38	Litigation	\$230.00	19.10	\$4,393.00
Robert A. Murphy	Senior Counsel	38	Litigation	No Charge	0.20	\$0.00
Donna B. MacKenna	Partner	21 1/2	Litigation	\$210.00	11.10	\$2,331.00
Matthew T. Murphy	Associate	17	Litigation	\$200.00	91.50	\$18,300.00

Name of Professional Person	the applican	of years in the	Department	Hourly billing rate	Total billed hours	Total compensation
Angela R. Anderson	Paralegal	21	Litigation	\$90.00	35.50	\$3,195.00
Regina Merkel	Paralegal	7	Litigation	\$90.00	12.00	\$1,080.00
TOTALS					169.40	\$29,299.00

**Total Fees:** 

\$29,299.00

<sup>&</sup>lt;sup>2</sup> Any capitalized terms not defined herein have the meaning ascribed to them in the Verified Application of Casner & Edwards LLP for Compensation for Services and Reimbursement of Expenses as Special Litigation Counsel to Debtors, for the Fifth Monthly Interim Period from February 1, 2002 through February 28, 2002.

# Expense Summary (see Exhibit B to the Fee Detail)

Expense Category	Expenses	ZAI Trial Expenses
Excess Postage	\$3.85	\$0.00
Boston Express Delivery	\$9.00	\$0.00
Federal Express	\$400.64	\$0.00
Travel	\$1,942.71	\$0.00
Outside Photocopying	\$838.13	\$0.00
Photocopying (\$0.12/page)	\$374.04	\$0.00
Telephone (amount reflects related toll charges only and includes outgoing facsimile transmissions)	\$9.13	\$0.00
Rent Reimbursement	\$12,188.28	\$0.00
Miscellaneous	\$953.93	\$0.00
Stenographer/Transcript	\$0.00	\$458.20
SUBTOTALS	\$16,719.71	\$ 458.20

Total Expenses:

\$17,177.91

# Compensation Summary By Project Category

Project Category	Total Hours for the Interim Period	Total Compensation for the Interim Period
Litigation and Litigation Consulting	166.50	\$28,655.00
Fee Applications, Applicant	2.90	\$644.00
Expenses	N/A	\$16,719.71
ZAI Science Trial Expenses	N/A	\$458.20
TOTALS	169.40	\$46,476.91

Dated: January <u>25</u>, 2005

CASNER & EDWARDS, LLP

Robert A. Murphy (BBO #363700) 303 Congress Street, 2<sup>nd</sup> Floor

Boston, MA 02210 (617) 426-5900

Special Litigation Counsel

52000.57/342897

# IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

	Objection Deadline: February 17, 2005 at 4:00 p.m. Hearing Date: TBD only if necessary
Debtors.	) (Jointly Administered)
W. R. GRACE & CO., et al.,1	) Case No. 01-1139 (JKF)
In re:	) Chapter 11

FEE DETAIL FOR CASNER & EDWARDS, LLP'S
THIRTY-NINTH MONTHLY FEE APPLICATION
FOR THE PERIOD FROM DECEMBER 1, 2004 THROUGH DECEMBER 31, 2004

<sup>1</sup> The Debtors consist of the following 62 entities: W. R. Grace & Co. (f/k/a Grace Specialty Chemicals, Inc.), W. R. Grace & Co.-Conn., A-I Bit & Tool Co., Inc., Alewife Boston Ltd., Alewife Land Corporation, Amicon, Inc., CB Biomedical, Inc. (f/k/a Circe Biomedical, Inc.), CCHP, Inc., Coalgrace, Inc., Coalgrace, I., Inc., Creative Food >N Fun Company, Darex Puerto Rico, Inc., Del Taco Restaurants, Inc., Dewey and Almy, LLC (f/k/a Dewey and Almy Company), Ecarg, Inc., Five Alewife Boston Ltd., G C Limited Partners I, Inc. (f/k/a Grace Cocoa Limited Partners I, Inc.), G C Management, Inc. (f/k/a Grace Cocoa Management, Inc.), GEC Management Corporation, GN Holdings, Inc., GPC Thomasville Corp., Gloucester New Communities Company, Inc., Grace A-B II Inc., Grace Chemical Company of Cuba, Grace Culinary Systems, Inc., Grace Drilling Company, Grace Energy Corporation, Grace Environmental, Inc., Grace Europe, Inc., Grace H-G Inc., Grace H-G II Inc., Grace Hotel Services Corporation, Grace International Holdings, Inc. (f/k/a Dearborn International Holdings, Inc.), Grace Offshore Company, Grace PAR Corporation, Grace Petroleum Libya Incorporated, Grace Tarpon Investors, Inc., Grace Ventures Corp., Grace Washington, Inc., W. R. Grace Capital Corporation, W. R. Grace Land Corporation, Gracoal, Inc., Gracoal II, Inc., Guanica-Caribe Land Development Corporation, Hanover Square Corporation, Homco International, Inc., Kootenai Development Company, L B Realty, Inc., Litigation Management, Inc. (f/k/a GHSC Holding, Inc., Grace JVH, Inc., Asbestos Management, Inc.), Monolith Enterprises, Incorporated, Monroe Street, Inc., MRA Holdings Corp. (f/k/a Nestor-BNA Holdings Corporation), MRA Intermedco, Inc. (f/k/a Nestor-BNA, Inc.), MRA Staffing Systems, Inc. (f/k/a British Nursing Association, Inc.), Remedium Group, Inc. (f/k/a Environmental Liability Management, Inc., E&C Liquidating Corp., Emerson & Cuming, Inc.), Southern Oil, Resin & Fiberglass, Inc., Water Street Corporation, Axial Basin Ranch Company, CC Partners (f/k/a Cross

EXHIBIT A (Fee Detail)

# CASNER & EDWARDS, LLP ATTORNEYS AT LAW 303 CONGRESS STREET BOSTON, MASSACHUSETTS 02210 F.I.N. 04-2778062

January 20, 2005

Bill Number 77143

File Number 0052000-0000043

David B. Siegel Senior Vice President & General Counsel W.R. Grace & Co. 5400 Broken Sound Blvd., N.W. Boca Raton, FL 33487

# FOR PROFESSIONAL SERVICES

Re: Litigation and Litigation Consulting

# **LEGAL SERVICES**

Through December 31, 2004

<u>Date</u>	<u>Atty</u>	<u>Description</u>	<u>Time</u>	<u>Value</u>
12/01/04	MTM	Receipt and review of memo re: meeting with AUSA on November 18 (.5); email to Kirkland & Ellis counsel re: list compilation (.7); locate documents re: same (4.4); telephone call from Kirkland & Ellis counsel re: receipt of summary (.3)	5.90 Hrs	\$1,180.00
12/02/04	RAM	Prepare for conference call to discuss grand jury subpoena (.6); participate in conference call (3.0); conference with MTM to discuss "to do" list following conference call (.1). Read correspondence re: documents relevant to grand jury subpoena (.1). Read updated bankruptcy court docket entries to select documents to read (.2).	4.00 Hrs	\$920.00
12/02/04	DBM	Search for documents for Kirkland & Ellis, per MTM's request.	1.60 Hrs	\$336.00
12/02/04	MTM	Draft notes re: additional searches/issues to explore re: memo from Kirkland & Ellis counsel re: AUSA presentation (.8); review old files on airsampling re: conference call. (1.8); receipt and review of emails from Kirkland & Ellis counsel re: EPA/Vermiculite report (.2); conference with DBM re: document searches and memo re: key documents (.3); obtain documents requested by Kirkland & Ellis counsel (.6); participate in conference call (3.0); conference with RAM re: same (.1). Telephone call	9.00 Hrs	\$1,800.00

David B. Siegel

Re: Litigation and Litigation Consulting

<u>Date</u>	<u>Atty</u>	Description	<u>Time</u>	<u>V</u> alue
		from in-house counsel re: personnel file (.1); review index re: same (.1); review file re: air samplings re: follow-up to conference call (1.4); email to Kirkland & Ellis counsel re: same (.6).		<u>value</u>
12/03/04	RAM	Read report of search for documents responsive to grand jury subpoena (.1). Read document re: proposed epidemiological studies (.1).	0.20 Hrs	\$46.00
12/03/04	МТМ	Obtain documents at Winthrop Square (3.0); review deposition transcript re: epidemiological study issues (.6); email to Kirkland & Ellis counsel re: same (.4); draft second email to Kirkland & Ellis counsel re: additional transcript references on this subject (.5); work on document searches (.9); locate personnel file at Winthrop Square per request of in-house counsel (.2); letter to in-house counsel re: personnel file (.1).	5.70 Hrs	\$1,140.00
12/06/04	RAM	Read selected documents filed in bankruptcy court (.9). Read documents potentially responsive to grand jury subpoena (.4).	1.30 Hrs	\$299.00
12/06/04	DBM	Search for documents for Kirkland & Ellis, per MTM.	1.80 Hrs	\$378.00
12/06/04	MTM	Email from Kirkland & Ellis counsel re: monthly reports (.2); review file and respond to same (.9).	1.10 Hrs	\$220.00
12/07/04	RAM	Telephone conference with in-house counsel re: documents (.1); have search made for documents requested by in-house counsel (.1). Search for documents re: MK-6 (.2); telephone conferences with MTM and in-house counsel re: same (.1).	0.50 Hrs	\$115.00
12/07/04	DBM	Search for documents for in-house counsel, per RAM's request.	0.50 Hrs	\$105.00
12/07/04	MTM	Review printout re: documents and monthly reports (1.0); conference with RAM re: MK6 documents (.2); email to Holme Roberts paralegal re: trade secret issue with	3.80 Hrs	\$760.00
40000		same (.2); telephone call to in-house counsel re: request for list of cases where Grace filed appeals re: request for trial transcripts (.1); telephone call to in-house paralegal re: same (.2); work on project to identify oldest master exhibit list and/or discovery responses (1.4); review Cambridge basement inventory for trade secret boxes re: MK6 issue (.5); receipt and review of email from Holme Roberts attorney re: MK6/trade secret issues (.2).		
12/08/04		Search for particular documents re: former Grace employee (.2). Read emails re: MK-6 documents (.1). Read and analyze draft indictment (1.2); conference with MTM re: same (.9). Read documents responsive to grand jury subpoena (.1).	2.50 Hrs	\$575.00

12/08/04 12/08/04		Search for brochure, per MTM's request. Receipt and review of draft indictment (.9); meeting with	0.80 Hrs 8.70 Hrs	\$168.00 \$1.740.00
		SES and RM at Winthrop Square re: project to search for documents (1.0); review master interrogatory answers re: same (.9); receipt and review of email from in-house counsel re: former employee's depositions (.2); review Ness Motley exhibit lists re: identifying key documents on old list (2.2); receipt and review of email from Kirkland & Ellis counsel re: former employee's calendars (.1); email to in-house counsel re: same (.2); review documents from Winthrop Square (1.7); conference with RAM re: draft indictment (.9); letter to Kirkland & Ellis counsel re: documents (.2); telephone call to Kirkland & Ellis counsel re: additional comments on draft indictment and general document issues (.4).	0.701113	\$1,740.00
12/08/04	RM	Work on document retrieval project at Winthrop Square.	6.50 Hrs	\$585.00
12/09/04	RAM	Conference with MTM re: particular documents (.1). Conference with in-house counsel re: amount of claim submitted by Cetrulo & Capone; have MB retrieve liaison counsel bills from storage (.1). Review former employee's deposition transcript to prepare errata sheet	0.70 Hrs	\$161.00
		(.4). Conference with MTM re: reviewing Libby and MK-6		
12/09/04	MTM	documents (.1).		
		Receipt and review of emails re: calendar issue (.4); review documents re: Libby brochure (.5); review ZAI documents requested by Kirkland & Ellis counsel (.9); letter to Kirkland & Ellis counsel re: trial transcripts (.2); search for and obtain documents at Winthrop Square (1.8); letter to Kirkland & Ellis counsel re: additional documents and video (.6); review monthly reports and various memos re: Libby brochure (2.1).	6.50 Hrs	\$1,300.00
12/09/04	RM	Continue work on document retrieval project at Winthrop Square.	5.50 Hrs	\$495.00
12/10/04	RAM	Conference with MTM and locate business plans (.2). Finish reading former employee's deposition transcript to prepare errata sheet (.4); review draft errata sheet with former employee (.1); draft letter to former employee with final errata sheet to review and sign (.1). Telephone conference with in-house counsel re: Cetrulo & Capone's claim (.1).	0.90 Hrs	<b>\$207.00</b>
12/10/04		Continue review of monthly reports and documents re: brochure (2.8); telephone call from in-house counsel with request for yearly profit figures (.2); telephone call from in-house counsel re: new developments (.2); review budget plans re: request for information on profit figures (1.0); letter to in-house counsel re: budget plan review (.3); review stored box forms for oldest interrogatories or plaintiffs' exhibit lists (1.1); telephone call from in-house	6.20 Hrs	\$1,240.00

David B. Siegel

Re: Litigation and Litigation Consulting

<u>Date</u>	<u>Atty</u>	Description	<u>Time</u>	<u>Value</u>
		counsel re: profit issue (.2); letter to Kirkland & Ellis re: additional documents (.4).		
12/13/04	RAM	Read email re: meeting between Kirkland attorneys and AUSA (.1). Read updated bankruptcy court docket entries to select documents to read (.2).	. 0.30 Hrs	\$69.00
12/13/04	MTM	Telephone call to ARA re: closed case binders to review for early interrogatory answers (.2); review boxes pulled from Recordkeeper for old discovery responses (.9); review trade secret boxes at Cambridge re: MK6 issue (3.1).	4.20 Hrs	\$840.00
12/14/04	RAM	Locate answers to San Diego interrogatories for MTM.	0.10 Hrs	No charge
12/14/04	MTM	Receipt and review of email from in-house counsel re: meeting with AUSA (.3); review old interrogatory answers and plaintiff's exhibit lists (1.5): review closed case binders at Winthrop Square re: same (1.8).	3.60 Hrs	\$720.00
12/15/04	RAM	Read selected documents filed in bankruptcy court.	0.50 Hrs	¢115.00
12/15/04	MTM	Review additional old master interrogatory answers and plaintiff's exhibits re: response letter to AUSA (4.4); conference with ARA re: her review of state general files for same (.5).	4.90 Hrs	\$115.00 \$980.00
12/15/04	ARA	Per MTM's request, review specific state files for W. R. Grace's answers to plaintiffs' master set of interrogatories.	3.80 Hrs	\$342.00
12/16/04	RAM	Read selected documents filed in bankruptcy court (.3). Read and comment on draft letter to AUSA re: grand jury (.5); conferences with MTM re: same (.6). Read comments of others re: draft letter (.2).	1.60 Hrs	\$368.00
12/16/04	MTM	Conference with ARA re: her review of old interrogatory answers (.3); email to Kirkland & Ellis counsel re: same (.4); receipt and review of draft letter to AUSA (2.6); conference with RAM re: suggested changes to draft letter (.5); email to Kirkland & Ellis counsel with comments (.7); telephone call to Kirkland & Ellis counsel re: same (.3).	4.80 Hrs	\$960.00
12/16/04		Continue review of specific state files for Grace's answers and objections to plaintiffs' master set of interrogatories (4.1); telephone call to MTM with findings (.3) and return files that were reviewed (.6).	5.00 Hrs	\$450.00
12/17/04	RAM	Read memos re: documents responsive to subpoena (.1). Conference with MTM and ARA re: where to search for plaintiffs' set of exhibits (.1).	0.20 Hrs	\$46.00

David B. Siegel

Re: Litigation and Litigation Consulting

<u>Date</u>	<u>Atty</u>	Description	<u>Time</u>	<u>Value</u>
12/17/04	MTM	Telephone call from in-house counsel re: old interrogatory answers and plaintiffs' exhibit issue (.2); conference with ARA re: search for old exhibit list (.4); email to Kirkland & Ellis counsel re: key documents in draft indictment (.7); telephone call to ARA re: Baron & Budd exhibits at Winthrop Square (.2).	1.50 Hrs	\$300.00
12/17/04	ARA	Organize exhibit lists and interrogatories for MTM (1.6); review and discuss same with MTM (.4); Per MTM's request, search for plaintiff's exhibit list binders and locate partial set of Baron & Budd exhibits (2.1); telephone call to MTM with date of same (.2).	4.30 Hrs	\$387.00
12/20/04	RAM	Read final version of letter to AUSA with attachments (.2). Search for responsive documents, answers to interrogatories and certifications of answers (.2); conferences with MTM re: certifications and to check interrogatory library (.2). Send signed errata sheet of former employee to Attorney Kneipp (.1).	0.70 Hrs	\$161.00
12/20/04	DBM	Search for certifications to answers to interrogatories per MTM's request.	0.40 Hrs	\$84.00
12/20/04	MTM	Telephone call to Kirkland & Ellis counsel re: list of key documents (.2); telephone call from in-house counsel re: grand jury subpoena to former Grace employee and request for certification pages signed by former Grace employee (.2); review deposition library re: same (.2); receipt and review of list of documents in draft indictment from Kirkland & Ellis counsel (.3); conference with ARA re: same (.2); search for old discovery response certification pages signed by former Grace employee (.3); email to in-house counsel re: same (.1); receipt and review of final version of letter to AUSA (.1); conference with ARA re: review of old plaintiff master exhibit lists (.2); email to Kirkland & Ellis counsel re: EPA document (.2); letter to Kirkland & Ellis counsel re: same (.1).	2.10 Hrs	\$420.00
12/20/04	ARA	Review South Carolina general files to locate Ness Motley exhibit list (1.8); review South Carolina general file with MTM (.2)). Receive Kirkland & Ellis list from MTM to review for a match with Ness Motley exhibit list and review lists (1.9).	3.90 Hrs	\$351.00
12/21/04	RAM	Read updated bankruptcy court docket entries to select documents to read (.2). Read and respond to email from in-house counsel re: Libby air quality (.1). Read recent letter to AUSA (.1); message to and conference with MTM re: possible locations of documents referenced in letter (.2).	0.60 Hrs	\$138.00

12/21/04	DBM	Search for documents for in-house counsel per MTM's request.	2.70 Hrs	\$567.00
12/21/04		Receipt and review of exhibits to letter to AUSA (.7); conference with ARA re: search for old interrogatory library binders (.3); search for interrogatory library binders at Winthrop Square (.5); receipt and review of email re: air quality problems (.1); receipt and review of email requesting documents sought by in-house counsel (.3); conference with RAM (.2) and work on locating documents requested by counsel (2.9).	5.00 Hrş	\$1,000.00
12/21/04		Discussion with MTM re: search for interrogatory library binders in the repository (.3). Review case files for former employee's certifications to answers to interrogatories per MTM's request (1.0). Compare Kirkland & Ellis list with Ness Motley exhibit lists for matches (4.5).	5.80 Hrs	\$522.00
12/22/04	RAM	Telephone conference with MTM re: where to search for documents requested by attorney (.1). Telephone conference with in-house counsel re: producing responsive documents to AUSA (.1).	0.20 Hrs	\$46.00
12/22/04	DBM	Continue search for documents for in-house counsel, per MTM's request.	3.20 Hrs	\$672.00
12/22/04	МТМ	Search for documents requested by counsel (2.4); email to counsel at Holme Roberts re: privilege list (.3); receipt and review of emails re: privileged documents requested by counsel (.4); review files and email response re: same (1.6); review additional documents re: documents requested by counsel (.9); conference with ARA re: same (.4).	6.00 Hrs	\$1,200.00
12/22/04	ARA	Per MTM's request, search for and review employee's deposition binder (.6); telephone call to MTM re: memos in deposition binder (.4). Compare Kirkland list with Ness Motley exhibit list for matches (2.0). Per MTM's request, search for and obtain documents re: privilege document issue (2.5).	5.50 Hrs	\$495.00
12/23/04	RAM	Search for documents requested by attorney (1.5); conference with MTM re: same (.2). Read selected documents filed in bankruptcy court (.3).	2.00 Hrs	\$460.00
12/23/04	MTM	Telephone call from in-house counsel re: personnel file (.1); review list and telephone call to ARA re: same (.2); review documents found by ARA yesterday and requested by counsel (2.0); review lists re: documents not yet found (1.5); conference with RAM re: same (.3); letter to Kirkland & Ellis counsel re: in-house counsel documents (.5); email from Kirkland & Ellis counsel requesting certain exhibits from former employee's deposition testimony (.2); conference with RAM re: additional helpful documents (.3).	5.10 Hrs	\$1,020.00

Re: Litigation and Litigation Consulting

<u>Date</u> 12/23/04	Atty ARA	Description  Continue to search for docur issue (4.5); produce docume same (.3); organize documer request, locate and review percounsel (.6); arrange for file to (.4).	<u>Value</u> \$648.00				
12/27/04	MTM	• •					
12/29/04	RAM	Read 3 letters to Kirkland & E documents responsive to gra			0.10 Hrs	\$23.00	
12/29/04	DBM	Work on search for 8(e) filing			0.10 Hrs	\$21.00	
12/29/04	MTM	Receipt and review of emails from Kirkland & Ellis counsel re: 8(e) filings (.3); review files re: same (1.1); search for and obtain documents at Winthrop Square re: same (1.8); email and letter to Kirkland & Ellis counsel re: same (.3).			3.50 Hrs	\$700.00	
		` ,		TOTAL LEG	GAL SERVICES	\$28,655.00	
LEGAL SE	ERVICE	S SUMMARY					
ROBERT A ROBERT A DONNA B. MATTHEW ANGELA R	A. MURI MACKI / T. MU	PHY ENNA RPHY	16.30 Hrs 0.10 Hrs 11.10 Hrs 91.50 Hrs 35.50 Hrs	230/hr 230/hr 210/hr 200/hr 90/hr	\$3,749.00 No charge \$2,331.00 \$18,300.00 \$3,195.00		
ANGELA R. ANDERSON 35.50 Hrs REGINA MERKEL 12.00 Hrs			90/hr	\$3,195.00 \$1,080.00			

166.50 Hrs

\$28,655.00

TOTAL THIS BILL

\$28,655.00

# CASNER & EDWARDS, LLP ATTORNEYS AT LAW 303 CONGRESS STREET BOSTON, MASSACHUSETTS 02210 F.I.N. 04-2778062

January 20, 2005

Bill Number 77144

File Number 0052000-0000057

David B. Siegel Senior Vice President & General Counsel W.R. Grace & Co. 5400 Broken Sound Blvd., N.W. Boca Raton, FL 33487

# FOR PROFESSIONAL SERVICES

Re: Fee Applications, Applicant

### **LEGAL SERVICES**

Through December 31, 2004

<u>Date</u>	<u>Atty</u>	Description	<u>Time</u>	<u>Value</u>
12/02/04	RAM	Read fee auditor's amended final report re: fee applications for 13th interim period.	0.10 Hrs	No charge
12/07/04	RAM	Read response to fee auditor's draft spreadsheets (.1); conference with MB re: same (.1).	0.20 Hrs	\$46.00
12/09/04	RAM	Work on October fee application (.2); conference with MTM re: same (.1); send application to in-house counsels (.1).	0.40 Hrs	\$92.00
12/13/04	RAM	Telephone conferences with in-house counsel re: fee application (.1). Work on October fee application (.3).	0.40 Hrs	\$92.00
12/14/04	RAM	Finalize October fee application and send it to Delaware counsel to file.	0.10 Hrs	\$23.00
12/27/04	RAM	Work on November fee application (.5); conference with MTM re: same (.1).	0.60 Hrs	\$138.00
12/28/04	RAM	Work on November fee application.	0.50 Hrs	\$115.00
12/29/04	RAM	Work on November fee application (.5): send it to in-house counsels to review (.1).	0.60 Hrs	\$138.00

**TOTAL LEGAL SERVICES** 

\$644.00

**LEGAL SERVICES SUMMARY** 

ROBERT A. MURPHY ROBERT A. MURPHY

0.10 Hrs 2.80 Hrs

230/hr 230/hr No charge \$644.00

2.90 Hrs

\$644.00

TOTAL THIS BILL

\$644.00

EXHIBIT B (Expense Detail)

# CASNER & EDWARDS, LLP ATTORNEYS AT LAW 303 CONGRESS STREET BOSTON, MASSACHUSETTS 02210 F.I.N. 04-2778062

January 20, 2005

Bill Number 77145

48.68

28.14

File Number 0052000-0000043

David B. Siegel Senior Vice President & General Counsel W.R. Grace & Co. 5400 Broken Sound Blvd., N.W. Boca Raton, FL 33487

### FOR PROFESSIONAL SERVICES

Re: Litigation and Litigation Consulting

#### **DISBURSEMENTS**

Through December 31, 2004

EXCESS	EXCESS POSTAGE				
BOSTON	EXPRESS DELIVERY				
12/16/04	BOSTON EXPRESS -11/19/04 To: Wilmer Cutler Pickering Hale & Dorr From: RAM	9.00			
			\$9.00		
FEDERAL	EXPRESS				
12/06/04	FEDERAL EXPRESS - 11/15/04 To: W. R. Grace & Co. From: MTM	7.83			
12/08/04	FEDERAL EXPRESS - 11/22/04 To: Kirkland & Ellis From: MTM	13.81			
12/08/04	FEDERAL EXPRESS - 11/23/04 To: Kirkland & Ellis From: MTM	13.81			
12/08/04	FEDERAL EXPRESS - 11/30/04 To: Kirkland & Ellis From: MTM	23.49			

12/08/04 FEDERAL EXPRESS - 11/23/04 To: Kirkland & Ellis From:

12/20/04 FEDERAL EXPRESS - 12/08/04 To: W R Grace & Co. From:

Re: Litigation and Litigation Consulting

# **DISBURSEMENTS**

Through December 31, 2004

FEDERA	L EXPRESS		
12/20/04	FEDERAL EXPRESS - 12/03/04 To: W R Grace Company From: MTM	27.64	
12/20/04	FEDERAL EXPRESS - 12/09/04 To: Kirkland & Ellis LLP From: MTM	23.91	
12/20/04	FEDERAL EXPRESS - 12/09/04 To: W R Grace & Co. From: MTM	25.09	
12/20/04	FEDERAL EXPRESS - 12/08/04 To: Kirkland & Ellis LLP From: MTM	23.91	
	FEDERAL EXPRESS - 12/03/04 To: Kirkland & Ellis LLP From: MTM	43.36	
12/30/04	FEDERAL EXPRESS - 12/10/04 To: Kirkland & Ellis From: MTM	36.41	
	FEDERAL EXPRESS - 12/10/04 To: W R Grace & Co. From: MTM	34.00	
12/30/04	FEDERAL EXPRESS - 12/10/04 To: W R Grace & Co From: MTM	18.28	
			\$368.36
TRAVEL		,	
	DINER'S CLUB - RAM/MTM - Airfare- 11/15 +16/04 to Washington D.C. to attend 11/16 conference at Kirkland & Ellis (RAM's return portion of trip to be billed separately)	1,113.90	
	ROBERT A MURPHY - Travel Expenses for trip to Washington D.C. to discuss Mt. Grand Jury subpoena	444.71	
12/30/04	ROBERT A MURPHY - Airline ticket to return to Boston after conference in Washington, D.C. to Discuss G.J. Subpoena	384.10	
			\$1,942.71
OUTSIDE	PHOTOCOPYING		
	MERRILL COMM - Records copied for Kirkland & Ellis counsel on 11/23/04	512.56	
	MERRILL COMM - Air sampling documents for Kirkland Ellis attorney (12/3/04)	127.46	
12/20/04	MERRILL COMM - Copy of videotape to send to Kirkland & Ellis counsel on 12/9/04	26.25	

Re: Litigation and Litigation Consulting

## **DISBURSEMENTS**

Through December 31, 2004

# **OUTSIDE PHOTOCOPYING**

12/20/04	MERRILL COMM - Copy of monthly reports to send to Kirkland & Ellis counsel on 12/10/04	171.86	
			\$838.13
PHOTOC	OPYING		
12/01/04	43 copies at .12 per copy	5.16	
12/02/04	1 copy at .12 per copy	0.12	
12/02/04	3 copies at .12 per copy	0.36	
12/03/04	11 copies at .12 per copy	1.32	
12/03/04	232 copies at .12 per copy	27.84	
12/06/04	4 copies at .12 per copy	0.48	
12/07/04	40 copies at .12 per copy	4.80	
12/07/04	4 copies at .12 per copy	0.48	
12/08/04	238 copies at .12 per copy	28.56	
12/08/04	136 copies at .12 per copy	16.32	•
12/08/04	10 copies at .12 per copy	1.20	
12/09/04	27 copies at .12 per copy	3.24	
12/09/04	7 copies at .12 per copy	0.84	
12/09/04	129 copies at .12 per copy	15.48	
12/09/04	27 copies at .12 per copy	3.24	
12/10/04	184 copies at .12 per copy	22.08	
12/10/04	12 copies at .12 per copy	1.44	
12/10/04	363 copies at .12 per copy	43.56	
12/13/04	69 copies at .12 per copy	8.28	
12/14/04	79 copies at .12 per copy	9.48	
12/15/04	68 copies at .12 per copy	8.16	
12/17/04	58 copies at .12 per copy	6.96	
12/20/04	16 copies at .12 per copy	1.92	
12/22/04	471 copies at .12 per copy	56.52	
12/22/04	42 copies at .12 per copy	5.04	
12/22/04	21 copies at .12 per copy	2.52	
12/22/04	45 copies at .12 per copy	5.40	
12/22/04	4 copies at .12 per copy	0.48	
12/23/04	40 copies at .12 per copy	4.80	
12/23/04	6 copies at .12 per copy	0.72	

Re: Litigation and Litigation Consulting

# **DISBURSEMENTS**

Through December 31, 2004

РНОТОС	OPYING			
		ies at .12 per copy	44.00	
12/27/04		pies at .12 per copy	11.88 37.20	
12/27/04		opies at .12 per copy	37.20 37.20	
		es at .12 per copy	0.24	
12/29/04	-	es at .12 per copy	0.48	
12/29/04	•	es at .12 per copy	0.24	
		a contract to the contract to	0.24	\$374.04
TEL COU	NIT.			
TELEPHO				
12/10/04	329	5613621551	0.99	
12/12/04	357	5613621584	1.10	
12/16/04	329	2028795177	1.54	
12/26/04		5613621583	1.10	
12/26/04		5613621583	2.20	
12/26/04	357	2028795200	1.10	
				\$8.03
RENT RE	IMBURS	EMENT		
12/01/04		ON CAPITAL INSTI -rent and utilities for document ory at One Winthrop Square - November 2004	12,188.28	
				\$12,188.28
MISCELL	ANEOUS	3		
12/06/04	RECOR	RDKEEPER ARCHIVE - monthly storage fee (11/04)	396.15	
12/06/04		PUBLISHING CORP - 2004 Supplement to L.	107.63	
		's Toxic Tort Litigation sent to in-house counsel 11/04	107.03	
12/13/04		RDKEEPER ARCHIVE - File retrieval (11/04) (diskette	54.00	
		and info re: Union records, per MTM)	J 1.00	
12/13/04		RDKEEPER ARCHIVE - Monthly storage fee (12/04)	396.15	
				\$953.93
				<del>4</del> 500.00

TOTAL DISBURSEMENTS

\$16,686.33

**TOTAL THIS BILL** 

\$16,686.33

# CASNER & EDWARDS, LLP ATTORNEYS AT LAW 303 CONGRESS STREET BOSTON, MASSACHUSETTS 02210 F.I.N. 04-2778062

January 20, 2005

Bill Number 77146

File Number 0052000-0000057

David B. Siegel Senior Vice President & General Counsel W.R. Grace & Co. 5400 Broken Sound Blvd., N.W. Boca Raton, FL 33487

# FOR PROFESSIONAL SERVICES

Re: Fee Applications, Applicant

#### DISBURSEMENTS

Through December 31, 2004

**FEDERAL EXPRESS** 

12/06/04 FEDERAL EXPRESS - 11/12/04 to Scotta McFarland From: 18.88

RAM

12/30/04 FEDERAL EXPRESS - 12/14/04 To: Scotta McFarland Esq. 13.40

-Pachulski Stang Ziehl Young From: RAM

\$32.28

TELEPHONE

12/12/04 357 5613621583 1.10

\$1.10

TOTAL DISBURSEMENTS \$33.38

TOTAL THIS BILL

\$33.38

# CASNER & EDWARDS, LLP ATTORNEYS AT LAW 303 CONGRESS STREET BOSTON, MASSACHUSETTS 02210 F.I.N. 04-2778062

January 20, 2005

Bill Number 77147

File Number 0052000-0000058

David B. Siegel Senior Vice President & General Counsel W.R. Grace & Co. 5400 Broken Sound Blvd., N.W. Boca Raton, FL 33487

### FOR PROFESSIONAL SERVICES

Re: ZAI Science Trial

### **DISBURSEMENTS**

Through December 31, 2004

#### STENOGRAPHER/TRANSCRIPT

12/03/04 COURT REPORTERS ASSOCIATES, INC.-Ralph Mold

deposition 2/28/03 (note: invoice not received previously)

458.20

\$458.20

TOTAL DISBURSEMENTS

\$458.20

**TOTAL THIS BILL** 

\$458.20

# IN THE UNITED STATES BANKRUPTCY COURT

### FOR THE DISTRICT OF DELAWARE

In re:	)	Chapter 11  Case No. 01-1139 (JKF Jointly Administered	
W. R. GRACE & CO., et al., Debtors.	}		
	AFFIDAVIT O	F SERVICE	
STATE OF DELAWARE	)		
COUNTY OF NEW CASTLE	)SS		

Patricia E. Cuniff, being duly sworn according to law, deposes and says that she is employed by the law firm of Pachulski, Stang, Ziehl, Young, Jones & Weintraub P.C., cocounsel for the Debtors, in the above-captioned action, and that on the 27<sup>th</sup> day of January, 2005 she caused a copy of the following document(s) to be served upon the attached service list(s) in the manner indicated:

<sup>1</sup> The Debtors consist of the following 62 entities: W. R. Grace & Co. (f/k/a Grace Specialty Chemicals, Inc.), W. R. Grace & Co.-Conn., A-1 Bit & Tool Co., Inc., Alewife Boston Ltd., Alewife Land Corporation, Amicon, Inc., CB Biomedical, Inc. (f/k/a Circe Biomedical, Inc.), CCHP, Inc., Coalgrace, Inc., Coalgrace II, Inc., Creative Food 'N Fun Company, Darex Puerto Rico, Inc., Del Taco Restaurants, Inc., Dewey and Almy, LLC (f/k/a Dewey and Almy Company), Ecarg, Inc., Five Alewife Boston Ltd., G C Limited Partners I, Inc. (f/k/a Grace Cocoa Limited Partners I, Inc.), G C Management, Inc. (f/k/a Grace Cocoa Management, Inc.), GEC Management Corporation, GN Holdings, Inc., GPC Thomasville Corp., Gloucester New Communities Company, Inc., Grace A-B Inc., Grace A-B II Inc., Grace Chemical Company of Cuba, Grace Culinary Systems, Inc., Grace Drilling Company, Grace Energy Corporation, Grace Environmental, Inc., Grace Europe, Inc., Grace H-G Inc., Grace H-G II Inc., Grace Hotel Services Corporation, Grace International Holdings, Inc. (f/k/a Dearborn International Holdings, Inc.), Grace Offshore Company, Grace PAR Corporation, Grace Petroleum Libya Incorporated, Grace Tarpon Investors, Inc., Grace Ventures Corp., Grace Washington, Inc., W. R. Grace Capital Corporation, W. R. Grace Land Corporation, Gracoal, Inc., Gracoal II, Inc., Guanica-Caribe Land Development Corporation, Hanover Square Corporation, Homco International, Inc., Kootenai Development Company, L B Realty, Inc., Litigation Management, Inc. (f/k/a GHSC Holding, Inc., Grace JVH, Inc., Asbestos Management, Inc.), Monolith Enterprises, Incorporated, Monroe Street, Inc., MRA Holdings Corp. (f/k/a Nestor-BNA Holdings Corporation), MRA Intermedco, Inc. (f/k/a Nestor-BNA, Inc.), MRA Staffing Systems, Inc. (f/k/a British Nursing Association, Inc.), Remedium Group, Inc. (f/k/a Environmental Liability Management, Inc., E&C Liquidating Corp., Emerson & Cuming, Inc.), Southern Oil, Resin & Fiberglass, Inc., Water Street Corporation, Axial Basin Ranch Company, CC Partners (f/k/a Cross Country Staffing), Hayden-Gulch West Coal Company, H-G Coal Company.

- 1. SUMMARY OF THE THIRTY-NINTH MONTHLY APPLICATION OF CASNER & EDWARDS, LLP FOR COMPENSATION FOR SERVICES AND REIMBURSEMENT OF EXPENSES AS SPECIAL COUNSEL TO DEBTORS FOR THE PERIOD FROM DECEMBER 1, 2004 THROUGH DECEMBER 31, 2004; AND
- 2. FEE DETAIL FOR CASNER & EDWARDS, LLP'S THIRTY-NINTH MONTHLY FEE APPLICATION FOR THE PERIOD FROM DECEMBER 1, 2004 THROUGH DECEMBER 31, 2004.

Dated: January 27, 2005

Sworn to and subscribed before me this 27<sup>th</sup> day of January, 2005

Holly Tublah Notary Public

My Commission Expires:

Grace Fee Application Service List Case Number: 01-1139 (JKF) Document Number: 45804 01 – Hand Delivery 02 – Federal Express 14 - E-Mail

smcfarland@pszyj.com (Counsel to Debtors and Debtors in Possession) Laura Davis Jones, Esquire Scotta McFarland, Esquire Pachulski, Stang, Ziehl, Young & Jones P.C. 919 North Market Street, 16th Floor P.O. Box 8705 Wilmington, DE 19899-8705

(Counsel to Debtors and Debtors in Possession) Hamid R. Rafatjoo, Esquire Pachulski, Stang, Ziehl, Young & Jones P.C. 10100 Santa Monica Boulevard Los Angeles, CA 90067-4100

(Parcels)
Vito I. DiMaio
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P.O. Box 27
Wilmington, DE 19899

#### Hand Delivery

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844 King Street, Room 2311
Wilmington, DE 19801

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(Fee Auditor)
Warren H. Smith
Warren H. Smith & Associates
Republic Center
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#### E-mail: currier@klettrooney.com

(Counsel for Official Committee of Equity Holders) Teresa K.D.Currier, Esquire Klett Rooney Lieber & Schorling

#### E-mail:

### james kapp@chicago.kirkland.com

(Counsel to Debtor)
James H.M. Sprayregen, P.C.
James Kapp, III, Esquire
Kirkland & Ellis

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(Official Committee of Unsecured Creditors)
Lewis Kruger, Esquire
Stroock & Stroock & Lavan LLP

E-mail: jsakalo@bilzin.com

(Official Committee of Property Damage Claimants) Scott L. Baena, Esquire Bilzin Sumberg Dunn Baena Price & Axelrod LLP

E-mail: <u>david.heller@lw.com</u> and <u>carol.hennessey@lw.com</u>

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Latham & Watkins

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Philip Bentley, Esquire
Kramer Levin Naftalis & Frankel LLP